UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,927	03/31/2000	Carol A. Bell	10559-151001/P7976	2215

			EXAMINER
20985	7590	10/30/2003	VAUGHN JR, WILLIAM C

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

ART UNIT	PAPER NUMBER
2143	6

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. 09/539,927	**Applicant(s)** BELL ET AL.
Office Action Summary	**Examiner** William C. Vaughn, Jr.	**Art Unit** 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2002</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   This Action is in response to the latest papers received on 01 August 2002.

Drawings

2.   The drawings have been approved by the draftsperson (see PTO-948).

Claim Objections

3.   **Claim 3** is objected to because of the following informalities: in line 12, the limitation

"the rules" is suggested be changed to --policy rules--. **Claim 18**, recites the limitation "the

device". It is suggested that it be changed to read --network device--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   **Claims 2-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 2-8, 15-17, 23 and 24, the recitations "conditions", is unclear and ambiguous as to

the specifics of the conditions applicant is claiming. It is not clear as to the metes and bounds of

the claim language regarding the different conditions being claimed.

Claim 3 recites the limitation "excluding conditions that would otherwise be implied by

the rules" is unclear and vague. It is not clear as to the metes and bounds of the claim language.

Claims 6-8 recites the limitation "the network" in line 4 of page 16. There is insufficient

antecedent basis for this limitation in the claim.

Claims 7, 8 and 22-24, the recitation "another component" are unclear and ambiguous. It

is not clear as to what another component represents.

Claim 9-13, recites the limitation "the filters" and "the translated policies" in lines 9, 11

and 12 of page 17. There is insufficient antecedent basis for this limitation in the claim.

Claims 14-17, recites the limitation "the simplified rules" in lines 6 and 7 of page 18.

There is insufficient antecedent basis for this limitation in the claim.

Claims 18-21, recites the limitation "receive the policy rules" in line 4. There is

insufficient antecedent basis for this limitation in the claim.

Claims 18-21, recites the limitation "simplified rules" is unclear and ambiguous, It is not

clear as to what a simplified rule represents.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1, 2, 9, 14, 15 and 18-23** are rejected under 35 U.S.C. 102(e) as being anticipated

by Gai et al. (Gai), U.S. Patent No. 6,167,445.

8.   Regarding **claim 1**, Gai discloses *a method, comprising: based on policy rules* [see Gai,

abstract, Col. 5, lines 63-67 and Col. 6, lines 1-26], *creating an access control list adapted to*

configure a network device [see Gai, Col. 13, lines 60-67 and Col. 14, lines 1-22]; *and using the*

access control list to generate access filters (Gai teaches that the access control lists object that contains a list of criteria statements *(filters)* to be applied to the packets), [see Gai, Col. 3, lines 60-65 and Col. 15, lines 5-55]. By this rationale **claim 1** is rejected.

9.   Regarding **claim 2**, Gai disclose *further comprising expanding the policy rules into value groups that represent conditions associated with the policy rules* [see Gai, Col. 15, lines 5-54, Col. 16, lines 1-43 and Col. 17, lines 23-47], (The Examiner is utilizing Applicant's specification as a guide for interpreting the claims. See page 6 and Figure 3 of Applicant's specification). By this rationale **claim 2** is rejected.

10.   Regarding **claim 9**, Gai further discloses *a computer network* [see rejection of claim 1, supra], *comprising: a first device adapted to disseminate policy rules in the network* [see Gai, Col. 14, lines 57-67 and Col. 15, lines 1-4]; *and a second device adapted to receive the policy rules disseminated on the network by the first device* (Gai teaches that intermediate devices receives rules from the policy rule generating engine), [see Gai, Col. 14, lines 63-67] *and adapted to: based on policy rules, create an access control list adapted to configure the at least one device from the filters* [see Gai, Col. 14, lines 63-67, Col. 15, lines 1-16, Col. 16, lines 44-67 and Col. 17, lines 1-2]; *and to use the access control list to generate access filters from the translated policies* [see rejection of claim 1, supra]. By this rationale **claim 9** is rejected.

11.   Regarding **claim 14**, Gai discloses *an article comprising a computer-readable medium which stores computer executable instructions for managing policy rules on a network, the instructions causing a computer to: based on policy rules, create an access control list adapted to configure the devices from the simplified rules* [see Gai, Col. 13, lines 60-67 and Col. 14, lines 1-22]; *and use the access control list to generate access filters* (Gai teaches access control lists

object contains a list of criteria statements to be applied to packets), [see Gai, Col. 15, lines 20-35]. By this rationale **claim 14** is rejected.

12.   Regarding **claim 15**, Gai discloses *further comprising instructions to expand the policy rules into value groups, wherein value groups represent conditions associated with the policy rules* [see rejection of claim 2, supra]. By this rationale **claim 15** is rejected.

13.   Regarding **claim 18**, Gai discloses *a network device, comprising: a configurable management process located on the device having instructions to: receive the policy rules in a network device; translate the policy rules to a set of simplified rules* [see Gai, Col. 13, lines 60-67 and Col. 14, lines 1-22]; *create an access control list adapted to configure the devices from the simplified rules* [see Gai, Col. 14, lines 56-67 and Col. 15, lines 1-16]; *and use the access control list to generate access filters* (Gai teaches access control lists object contains a list of criteria statements to be applied to packets), [see Gai, Col. 15, lines 20-35]. By this rationale **claim 18** is rejected.

14.   Regarding **claim 19**, Gai discloses *further comprising a connection to an external network* (Gai teaches the Internet as the external network), [see Gai, Col. 1, lines 12-40]. By this rationale **claim 19** is rejected.

15.   Regarding **claim 20**, Gai further discloses *wherein the external network is a local area network* [see Gai, Col. 1, lines 12-40]. By this rationale **claim 20** is rejected.

16.   Regarding **claim 21**, Gai further discloses *wherein the external network is the Internet* [see Gai, Col. 1, lines 12-40]. By this rationale **claim 21** is rejected.

17.   Regarding **claim 22**, Gai discloses *a method of managing access by a device on a network to another component on the network, comprising: providing policy rules that determine*

the access of the device to the component [see Gai, Col. 14, lines 57-67 and Col. 15, lines 1-35].

By this rationale **claim 22** is rejected.

18.   Regarding **claim 23**, Gai discloses *wherein the policy rules comprise: an access control*

list including the conditions that allow the device to access the component [see Gai, Col. 15,

lines 5-35]; *and filters for implementing the access* [see Gai, Col. 15, lines 5-67 and Col. 16,

lines 1-52]. By this rationale **claim 23** is rejected.

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

20.   **Claims 3-8, 10-13, 16, 17 and 24** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gai in view of Flint et al. (Flint), U.S. Patent No. 6,453,419.

21.   Regarding **claim 3**, Gai discloses the invention substantially as claimed. Eventhough,

Gai does imply certain conditions that are excluded. However, Gai does not explicitly disclose

further comprising excluding conditions that would otherwise be implied by the rules.

22.   In the same field of endeavor, Flint discloses (e.g., system and method for implementing

a security policy). Flint discloses *further comprising excluding conditions that would otherwise*

be implied by the rules [see Flint, Col. 8, lines 58-64].

23.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Flint's teachings of a system and method for implementing a security policy with the teachings of Gai, for the purpose of providing a method of presenting and managing access control rules which can easily respond to changes in the number of networks and users [see Flint, Col. 2, lines 1-3]. By this rationale **claim 3** is rejected.

24.   Regarding **claim 4**, Gai-Flint discloses *further comprising resolving inconsistent conditions that result from expanding the policy rules and excluding the policy rule conditions* [see Gai, Col. 15, lines 14-34]. By this rationale **claim 4** is rejected.

25.   Regarding **claim 5**, Gai-Flint discloses *further comprising creating at least one array of included or excluded conditions from the policy rules* [see Olden, Col. 18, lines 35-67 and Col. 1-42]. By this rationale **claim 5** is rejected.

26.   Regarding **claim 6**, Gai-Flint further discloses *wherein generating the access filters further comprises: adding filters adapted to control access of a device to another component in the network* [see rejection of claim 1, supra]. By this rationale **claim 6** is rejected.

27.   Regarding **claim 7**, Gai-Flint discloses *further comprising generating deny filters by combining the at least one array of excluded conditions and the at least one array of included conditions* [see rejection of claim 5 and 6, supra]. By this rationale **claim 7** is rejected.

28.   Regarding **claim 8**, Gai-Flint discloses further *comprising generating permit filters by combining the at least one of the arrays of the included conditions with the remaining arrays of included conditions* [see Flint, Col. 8, lines 43-67]. By this rationale **claim 8** is rejected.

29.   Regarding **claim 10**, Gai-Flint further discloses *wherein the second device further comprises a permit filter* [see Flint, Col. 4, lines 12-66]. By this rationale **claim 10** is rejected.

30.   Regarding **claim 11**, Gai-Flint discloses *further comprising a plurality of data-storage devices* [see Gai, Col. 9, lines 58-62] *adapted to permit access to the second device* [see Flint, Col. 4, lines 12-66]. By this rationale **claim 11** is rejected.

31.   Regarding **claim 12**, Gai-Flint further discloses *wherein the second device further comprises a deny filter* [see Flint, Col. 4, lines 12-66]. By this rationale **claim 12** is rejected.

32.   Regarding **claim 13**, Gai-Flint discloses *further comprising a plurality of data-storage devices adapted to deny access to the second device* [see Flint, Col. 4, lines 12-66]. By this rationale **claim 13** is rejected.

33.   Regarding **claim 16**, Gai-Flint discloses *wherein the instructions to translate the policy rules further includes instructions to exclude conditions that would otherwise be implied by the policy rules* [see rejection of claim 3, supra]. By this rationale **claim 16** is rejected.

34.   Regarding **claim 17**, Gai-Flint discloses *wherein the instructions to translate the policy rules further includes instructions to resolve inconsistent conditions that result from expanding the policy rules and excluding the policy rule conditions* [see Flint, Col. 10, lines 20-67]. By this rationale **claim 17** is rejected.

35.   Regarding **claim 24**, Gai-Flint further discloses *wherein the access control list comprises include and exclude arrays that are combined to generate the filters* [see Flint, Col. 8, lines 20-67, Col. 9, lines 1-67]. By this rationale **claim 24** is rejected.

Claim Rejections - 35 USC § 102

36.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

37.   **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Olden, U.S. Patent No. 6,460,141.

38.   Regarding **independent claims 1, 9, 14, 18, and 22** (e.g., exemplary **independent claim 22**), Olden discloses *a method of managing access by a device on a network to another component on the network, comprising: providing policy rules that determine the access of the device to the component* [see Olden, Col. 8, lines 12-34]. By this rationale independent **claim 22** is rejected.

39.   Regarding **claim 23**, Olden discloses *wherein the policy rules comprise: an access control list including the conditions that allow the device to access the component* [see Olden, Col. 7, lines 5-67, and Col. 8, lines 1-35, Col. 19, lines 11-28]; *and filters for implementing the access* [see Olden, Col. 17, lines 65-67 and Col. 18, lines 1-67]. By this rationale **claim 23** is rejected.

40.   Regarding **claim 24**, Olden discloses *wherein the access control lists comprises include and exclude arrays that are combined to generate filters* [see Olden, Col. 8, lines 15-35]. By this rationale **claim 24** is rejected.

Claim Rejections - 35 USC § 102

41.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

42.   **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by Birnbaum, U.S.

Patent No. 5,797,128.

43.   Regarding **independent claims 1, 9, 14, 18, and 22** (e.g., exemplary **independent claim**

22), Birnbaum discloses *a method of managing access by a device on a network to another*

component on the network, comprising: providing policy rules that determine the access of the

device to the component [see Birnbaum, Col. 4, lines 46-60, Col. 6, lines 60-65]. By this

rationale independent **claim 22** is rejected.

44.   Regarding **dependent claims 2-8, 10-13, 15-17, 19-21, 23 and 24**, the limitations of

these claims are taught within the figures and disclosure of Birnbaum.

Claim Rejections - 35 USC § 102

45.   **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al.

(Schneider), U.S. Patent No. 6,408,336.

46.   Regarding **independent claims 1, 9, 14, 18, and 22** (e.g., exemplary **independent claim**

22), Schneider discloses *a method of managing access by a device on a network to another*

component on the network, comprising: providing policy rules that determine the access of the

device to the component [see Schneider, Figures 3, 4, 8, Col. 6, lines 3-35]. By this rationale

independent **claim 22** is rejected.

47. Regarding **dependent claims 2-8, 10-13, 15-17, 19-21, 23 and 24**, the limitations of

these claims are taught within the figures and disclosure of Schneider.

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    a.   Angal et al. (Angal), U.S. Patent No. 5,999,978 discloses policy rules, conditions,

access control lists and filters [see Angal, abstract, Figure 3-9, Col. 2, lines 49-67, Col. 3,

lines 1-21].

    b.   Ahlstrom et al. (Ahlstrom), U.S. Patent No. 6,327,618 discloses policy rules,

conditions, access control lists and filters [see Ahlstrom, abstract, Col. 3, lines 40-67 and

Col. 4, lines 1-59].

    c.   Fitler, Jr. et al. (Fitler), U.S. Patent No. 6,366,913 discloses policy rules,

conditions, access control lists and filters [see Fitler, Col. 4, lines 64-67 and Col. 5, lines

1-67].

    d.   Morciconi et al. (Morciconi), U.S. Patent No. 6,158,010 discloses policy rules,

conditions, access control lists, and filters [see Moriconi, Col. 3, lines 50-67, Col. 4, lines

1-48, Col. 5, lines 47-67, Col. 6, lines 1-32, Col. 8, lines 15-67].

Conclusion

49.   It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by the numerous cited prior arts of records, to have policy rules, creation of access control lists, conditions, access filters as well as other claimed features of Applicant's invention. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

50.   Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art (conditions, exclude, include). As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

51.   Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad
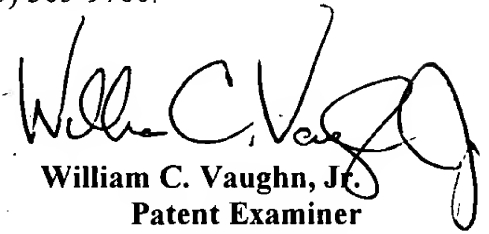
interpretation be given to the claims. The Examiner has interpreted the claims with scope

parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly

and distinctly, define the claimed invention.

52.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-

9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9700.

William C. Vaughn, Jr.
Patent Examiner
Art Unit 2143
22 October 2003